IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CUSTOMS APPEAL NO.1 OF 2006

Intermark Shipping Agencies
Pvt.Ltd. & Another .. Appellants.
V/s.
Commissioner of Customs,
Kandla & Another .. Respondents.

Mr.V.K. Rambhadran for the appellants.

Mr.P.S. Jetly with Mr.C.J. Joy for the respondents.

**CORAM : DR.S. RADHAKRISHNAN &**
**J.P. DEVADHAR, JJ.**

**DATED : 18TH JANUARY, 2006.**

P.C. :

1. Heard the learned counsel for the appellants and the respondents.

2. By consent of the parties, taken up for final hearing at the admission stage itself.

3. By this appeal, the appellants have raised a question of law to the effect that the appellants were not heard at all before the aforesaid order is passed. Perused the order passed by the CESTAT dated 28th July, 2005 and also the averments in para xii at page 7 of the appeal. Having regard to the aforesiad facts and circumstances and also in view of the order dated 28th July, 2005 passed by the CESTAT which

indicates that the portion of the order passed by the adjudicating authority has been quoted wherein the Tribunal appears to have not considered the case independently on its own merits in accordance with law.

4. On this limited ground that the above order was passed without affording a fair opportunity of hearing and passed the same without considering all the submissions on behalf of the appellants, we are inclined to quash and set aside the order dated 28th July, 2005 and remand the matter back to the CESTAT for being heard strictly on its own merits in accordance with law.

5. The Tribunal shall not decide the matter only by quoting the reasons given by the adjudicating authority. The appeal be heard by the Tribunal as expeditiously as possible.

6. The Customs Appeal stands disposed of in terms of this order with no order as to costs.

(DR.S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)